

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MICHAEL PHILLIPS

PLAINTIFF

v.

Case No.4:15-CV-04051-BAB

JAMES SINGLETON, *et
al.*

DEFENDANTS

ORDER FOR DISMISSAL

Plaintiff, submitted this *pro se* action for filing on June 9, 2015. ECF No. 1. The parties consented to the jurisdiction of the undersigned for final disposition of this case. ECF No. 14.

On October 22, 2015, this matter was set for bench trial on April 6, 2016. ECF No. 17. On January 7, 2016, the Court granted Plaintiff's Motion to Amend Complaint. ECF No.24. He filed his Amended Complaint on February 3, 2016. ECF No. 25. No further communication has been received from the Plaintiff. No Order from this Court has been returned as undeliverable when mailed to Plaintiff's address.

On April 6, 2016, the Defendants and their counsel appeared and announced ready for trial. Plaintiff did not appear at 10:00 a.m. as ordered. At 10:15 a.m., the undersigned directed the Court Security officer to inquire in the hall way if Plaintiff was present. Plaintiff did not enter the courthouse on April 6, 2016. Plaintiff did not communicate with the Court in any fashion prior to the April 6, 2016, regarding said trial date..

Plaintiff has failed to prosecute this matter. While *pro se* pleadings are to be construed liberally, a *pro se* litigant is not excused from complying with substantive and procedural law. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b) this case should be dismissed for

failure to prosecute. *See* Fed. R. Civ. P. 41(b).

For the foregoing reasons, Plaintiff's Complaint (ECF No. 1) is **DISMISSED** without prejudice on the grounds that Plaintiff has failed to prosecute this matter.

IT IS SO ORDERED this **6th day of April 2016**.

/s/ Barry A. Bryant
BARRY A. BRYANT
U.S. MAGISTRATE JUDGE